

HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON'BLE SHRI JUSTICE ANIL KUMAR JUKANTI

WRIT PETITION No.8684 OF 2026

DATE OF ORDER : 08.04.2026

Between:

Om Siva Sai Logistics having its office
At 3-8-7 & 3-8-7 & 3-8-8, Zaheerpura,
Water Tank Road, Guttala Bazar,
Khammam, rep., by its Managing
Partner Sri D. Bhadram

.. Petitioner

And

The State of Telangana, rep., by its
Principal Secretary, Civil Supplies
Department, Secretariat, Saifabad,
Hyderabad and three (3) others

.. Respondents

ORDER:

This writ petition is filed with the following prayer:

“... to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring (i) the action of the Respondents 2 & 3 in rejecting Petitioner's bid submitted for Sector -VI of Khammam District in the e-Tender Notice bearing Ref.No.MK TG/Paddy/Tenders/KMS 2026-27 as reflected in the 'Tender Stages View' updated on 18.03.2026 in the eGP Portal and also (ii) declaring the New Tender Notice dt.13.3.2026, as illegal, unjust, arbitrary, irrational, without jurisdiction, violative of Principles of Natural Justice, suffers from colourable exercise of power and in violation of Articles 14, 19 & 21 of the Constitution of India and consequently set aside the New Tender Notices dt.13.03.2026 to the extent of Sector-VI and direct the Respondents to treat the Petitioner's technical bid under the Tender Notice

dt.25.02.2026 as valid and appoint it as transport contractor for Sector-VI if it becomes L1 under the said tender process and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

2. Heard Mr. L. Ravi Chander, learned Senior Counsel representing Mr. Bobbili Srinivas, learned counsel for petitioner, learned Government Pleader for Civil Supplies appearing for respondent No.1 and Mr. K. Devender, learned Standing Counsel appearing for respondent Nos.2 to 4.

3. Tender notice dated 25.02.2026 was issued by respondent Nos.2 and 3 for appointment of contractor(s) for undertaking transportation of paddy and gunnies for the period from 01.04.2026 to 31.03.2027. Petitioner submitted bid for Sector-VI of Khammam District by paying Earnest Money Deposit of Rs.5,00,000/- and claims to fulfill all eligibility conditions. After opening technical bids, respondents noticed that two hired vehicles bearing Nos.AP 16TD 1559 and TS 04UC 1455 shown by petitioner were listed for Stage-I transportation of goods in Khammam District, which was awarded to M/s. G. Nagu, a Transport

Contractor, under tender notice dated 09.04.2025. Noticing the same, Respondent Nos.2 and 3 raised objection, to which, petitioner clarified that inclusion of vehicles was inadvertent and that Stage-I Tender had ended on 31.03.2026.

4. Learned Senior Counsel appearing for petitioner submitted that in spite of fulfilling the eligibility conditions, petitioner's case was not considered and that without any order or without issuing any notice or without affording opportunity of hearing, petitioner's bid was disqualified. It is the specific contention that any rejection or disqualification has to be based on reasons and that disqualification of petitioner's bid for Sector-VI without assigning any reasons is untenable.

5. Learned Senior Counsel placed reliance on the judgment of the Hon'ble Apex Court in ***M/s. Steag Energy Services (India) Pvt. Ltd. vs. GSPC Pipavav Power Company Ltd. (GPPC) & Ors.***¹. Inviting the attention of this Court to the relevant portion of the judgment of the Hon'ble

¹ 2026 Supreme (SC) 321

Apex Court, learned Senior Counsel submitted that Constitutional Courts can exercise power under Article 226 of the Constitution of India, when a decision of an administrative authority is arbitrary, irrational or perverse. It is further submitted that disqualification, without assigning reasons, would fall under the umbrella of an arbitrary decision.

6. To further buttress the contention that reasons have to be assigned by an authority in support of the conclusions arrived at, reliance is placed on the judgment of the Hon'ble Apex Court in ***Kranti Associates Private Limited and Another vs. Masood Ahmed Khan and Others***². Further attention is invited to the judgment of the Hon'ble Apex Court in ***Kimberley Club Pvt. Ltd. vs. Krishi Utpadan Mandi Parishad & Ors.***,³ to advance the proposition that order of rejection must be sustained on grounds stated in rejection and additional grounds cannot be subsequently pressed into service to justify such rejection.

² (2010) 9 SCC 496

³ 2025 Supreme (SC) 1878

7. Learned Senior Counsel submitted that in the facts and circumstances of the case, though petitioner's bid was disqualified, such disqualification is not supported by an order, more particularly, no reasons have been assigned. It is further submitted that reasons are put forth by way of a counter affidavit, which cannot be considered, as it would be contrary to law laid down by the Hon'ble Apex Court.

8. A counter affidavit is filed by Additional Collector and Ex-officio Executive Director stating that petitioner uploaded hired vehicles list of 29 vehicles and not 30, of which, two vehicles were existing in the contract period of Stage-I contractor upto 31.03.2026. It is further stated that vehicles which are shown in other contracts cannot be used in the present paddy contract, as it amounts to violation of terms and conditions. It is also adverted to in the counter affidavit that bidders should upload colour scanned copies of all relevant original certificates in support of their technical bids on the web site and should also sign on the statements, documents and certificates etc., owning their responsibility and authenticity, that an undertaking

has to be given by the bidder (Annexure-I). It is the case of respondents that the bidder deposed that the vehicles declared in the present tender are not declared in any other transportation tender, but the same is false, as two vehicles were declared in an existing contract period of Stage-I by M/s. G. Nagu Transport Contractors. That the bidder had not disclosed the correct facts and that he had submitted only 29 vehicles (trucks) out of the total requirement of 30 + 10 and 30, being hired vehicles, he has shown as 29.

9. It is also stated in paragraph No.18 of the counter affidavit that a re-tender was issued on 13.03.2026 and technical bid was opened on 23.03.2026 and two tenderers were qualified. That it is not trite on the part of petitioner to seek directions to appoint him as a successful bidder when the earlier tender is merged in the re-tender and that the petitioner did not participate in the tender which commenced from 17.03.2026 to 23.03.2026.

10. Learned Standing Counsel for respondent Nos.2 to 4 invited the attention of this Court to the work order dated nil.01.2025 issued in favour of M/s. G. Nagu Transport

Contractors. Referring to the table which reflects the registration numbers of the vehicles furnished by the contractor for transportation of Stage-I food grains, it is submitted that the registration numbers of the two vehicles are also included in the list of 24 vehicles submitted by the petitioner. That the two vehicles, bearing registration numbers of TS 04UC 1455 and AP 16TD 1559, are shown under the category of 'Hired' vehicles.

11. Learned Senior Counsel invited the attention of this Court to letter dated 22.10.2025 to contend that the contract period of Stage-I Transport Contractors was extended from 01.10.2025 to 31.03.2026. Further attention is drawn to Annexure IV – Details of vehicles – Own and Hired (Ex.P7 at page No.107 of writ papers), shown in the table. (In the second table under Column-II, 'Hired Vehicles', at Serial Nos.4 and 5, the vehicles referred supra are mentioned). It is submitted that the lease agreement for the said two vehicles was extended up to 21.05.2026 and that these vehicles belong to M/s. G. Nagu Transport Contractors.

12. Learned Senior Counsel further submitted that these two vehicles are also listed at Serial Nos.28 and 29 in the list of vehicles submitted by petitioner at page No. 70D. As such, if these two vehicles are excluded from the total requirement of 40 vehicles prescribed for Stage-VI, for which petitioner submitted his bid, pursuant to the tender, petitioner would fall short by two vehicles and would therefore not satisfy the eligibility conditions prescribed in the tender.

13. Learned Standing Counsel invited the attention of this Court to Ex.R3 (page No.14 of the counter affidavit), a copy of attendance sheet for paddy and gunny transport contractors e-tenders. In the said attendance sheet, at Serial No.6, Sector-VI is reflected and the name of the tender is that of the petitioner. In column 'Technically Qualified', it is shown as 'Disqualified', and in the signature column, petitioner's signature is reflected. It is contended that once petitioner affixes his signature, it is deemed acceptance of his rejection/disqualification.

14. Further attention is drawn to Ex.R2 (Affidavit-A at page No. 13 of the counter-affidavit). Inviting attention to the contents of the affidavit, it is submitted that the deponent, the petitioner had deposed that 40 vehicles declared in the present tender would not be declared in any other transportation tender (of the Corporation, i.e., for Stage-I/Stage-II). It is contended that petitioner is bound by the contents of affidavit, and any deviation is sufficient to disqualify the petitioner.

15. Learned Standing Counsel invited the attention of this Court to the contents at paragraph Nos.6 and 9 of the writ affidavit filed in support of writ petition, pointing that petitioner had stated that though two vehicles were earlier approved for Stage-I transportation, (the respondents raised an objection after opening of the technical bids). It is further stated that the earlier contract had expired on 31.03.2026 and that in the fresh Stage-I tender process, the said two vehicles were not shown by any bidder is not correct. Basing on the contents, learned Standing Counsel contended that the petitioner has not disclosed the factual

aspects. It is further contended that out of the total requirement of 40 vehicles, 10 vehicles were to be owned and the remaining 30 vehicles were to be hired, and that in the list submitted by petitioner (at page No. 70D of the writ papers), only 29 vehicles were shown.

16. Heard learned counsels, perused the record and considered the submissions.

17. The entire case revolves around the issue that, two vehicles bearing Nos.AP 16TD 1559 and TS 04UC 1455, shown as hired vehicles, have already been shown and used in other transportation tenders. Reliance is placed on Ex.P7 (at page No.107 of the writ papers) to buttress the contention that two hired vehicles bearing Nos.TS 04UC 1455 and AP 16TD 1559 were shown as vehicles for transportation of the routes, and their validity period was up to 21.05.2026. It is on this ground that petitioner's bid is said to have been disqualified, as he falls short of two vehicles out of the required 40 vehicles and does not fulfill the eligibility conditions of the tender. Though an objection is raised that at page No.70D, only 29 vehicles are shown,

that does not appear to be the reason for disqualification. Contents of the counter affidavit are taken note of and considered.

18. An arm of the State Government (falling under the ambit of Article 12), when disqualifying a bid, has to assign reasons. Petitioner has a right to know the grounds for his disqualification. In the present case, it is not in dispute that petitioner has been disqualified (apparent from Ex.R3, page No.14 of the counter affidavit), petitioner attested his signature against Sector-VI in the column, his name is reflected and it is shown as disqualified. This does not fulfill/satisfy the requirement under law that disqualification needs to be communicated and disqualification must be by a reasoned order. No such order communicating petitioner's disqualification is forthcoming from the record. In the absence of any communication indicating any reason being shown to the petitioner that he is disqualified for not fulfilling the conditions or falling short of eligibility conditions, the same cannot be said to be an act in consonance with the settled principles of law.

Disqualification communicated orally, or a mere signature on a form, reflecting that petitioner stood disqualified, does not constitute a valid reasoning nor a valid communication. A whastapp message, after the initiation of new tender process, cannot constitute a valid communication too. It is trite to take note that the process of new tender was begun on 13.03.2026, in respect of Sector VI-Khammam. The acts of respondent authorities can only be termed as acts in a haste.

19. A Learned Single Judge of this Court on 23.03.2026 passed the following order:

“Heard Mr. L. Ravichander, learned Senior Designated Counsel representing Mr. Srinivas Bobbili, learned Counsel appearing on behalf of the petitioner.

List the matter on 24.03.2026.

The respondents are directed not to finalize the subject tender pending further orders in the present Writ Petition.”

20. A submission was put forth that other tenders, i.e., Sector-III, Sector-IV and Sector-VIII have been held back, as a measure of caution by the authorities and that no further steps were taken. There is no prayer with regard to these Sectors, hence, relief cannot be granted. The State and its

authorities are at liberty to take steps in accordance with law.

21. It is trite to observe that if any of the vehicles are shown in more than one contract, the bids should not be accepted, henceforth, if it is noticed at the time of scrutiny. This observation is being made to ensure that the same vehicles are not utilized by many contractors, as it would defeat the very purpose of the tender. This is only an observation as a word of caution.

22. Be that as it may, instead of setting aside the new tender, it is deemed appropriate that petitioner be permitted to participate in the new tender process for Sector VI. It is stated across the Bar by learned Senior Counsel for petitioner that new tender process has begun on 13.03.2026. In the facts and circumstances of the case, petitioner is permitted to submit his bid for the new tender process. Respondent authorities are directed to accept the bid of petitioner for the new tender process and consider it. Respondents are directed to act in accordance with law, while considering and evaluating the bid.

23. With the above observations, the writ petition stands disposed of. There shall be no order as to costs.

Miscellaneous applications, if any, pending shall stand closed.

ANIL KUMAR JUKANTI, J

Date:08.04.2026

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